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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/930,662
	Filing Date	August 15, 2001
	First Named Inventor	Scot D. Gordon
	Group Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	47586/P055US/10025093

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 CFR 1.53(e) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Supplemental Declaration Copy of Orig. Return Postcard Notice to File Incompl. App Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	FULBRIGHT & JAWORSKI L.L.P. R. Ross Viguet
Signature	
Date	September 28, 2001

Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315117746US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature: (R. Ross Viguet)

SEP 28 2001

PATENT & TRADEMARK

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/930,662
Filing Date	August 15, 2001
First Named Inventor	Scot D. Gordon
Examiner Name	Not Yet Assigned
Group Art Unit	N/A
Attorney Docket No.	47586/P055US/10025093

TOTAL AMOUNT OF PAYMENT (\$ 130.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 06-2380

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☒ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
Independent Claims	<u>1</u>	<u>1</u>	<u>1</u>
Multiple Dependent	<u>1</u>	<u>1</u>	<u>1</u>

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)				Petition Under 37 CFR 1.17(h)	130.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

SUBMITTED BY

Name (print/type) R. Ross Viguet

Registration No. (Attorney/Agent) 42,203

Complete (if applicable)

Telephone (214) 855-8185

Signature

R. Ross Viguet

Date

September 28, 2001

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315117746US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature:

R. Ross Viguet

(R. Ross Viguet)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 7746US, in an envelope addressed to: Attention: Office of Petitions, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature: 

(R. Ross Vigue)

Docket No.: 47586/P055US/10025093
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scot D. Gordon, et al.

Application No.: 09/930,662

Group Art Unit: N/A

Filed: August 15, 2001

Examiner: Not Yet Assigned

For: METHODS TO DYNAMICALLY ADJUST
THE SECTORIZATION OF A CDMA CELL

**RESPONSE TO NOTICE TO FILE INCOMPLETE
NONPROVISIONAL APPLICATION**

Attention: Office of Petitions
Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Notice of Incomplete Nonprovisional Application mailed September 24, 2001, please include the attached drawing (including Figures 1-7 on three drawing pages) in the file for the above referenced United States nonprovisional patent application.

The Notice of Incomplete Nonprovisional Application sets forth that the Office file wrapper does not include drawing papers with respect to the above identified patent application. Accordingly, Applicants have attached hereto three drawing papers upon which Figures 1-7 relevant to the present invention are shown. Further, in accordance with the Notice of Incomplete Nonprovisional Application, Applicants submit a true and correct copy of a Supplemental Declaration signed by all inventors identifying the drawing papers and indicating that they accurately illustrates Applicants' invention. Accordingly, Applicants respectfully submit that, at least as of the date of the filing of this paper, Applicants have completed the nonprovisional application filing requirements and are entitled to a filing date.

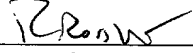
Further, Applicants assert that the complete filing requirements were met upon the original filing of the above identified nonprovisional application on August 15, 2001.

Accordingly, Applicants have submitted herewith a petition under 37 C.F.R. 1.53(e), with the petition fee set forth in 37 C.F.R. 1.17(h), asserting both that the drawings at issue were submitted and that the drawings are not necessary under 35 U.S.C. § 113, first sentence, for a filing date. The petition is accompanied by a date-stamped postcard receipt establishing prior receipt in the Office of the three drawing sheets at issue.

Accordingly, Applicants respectfully request that a filing date be granted with respect to the present application. Moreover, Applicants request that the filing date granted be that of the original submission date, August 15, 2001.

Dated: September 28, 2001

Respectfully submitted,

By 
R. Ross Viguet
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SEP 28 2001
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/930,662	08/15/2001	Scot D. Gordon	47586/P055US/10025093

CONFIRMATION NO. 3259

FORMALITIES LETTER



OC00000006780653

FULBRIGHT & JAWORSKI L.L.P.
R. Ross Viguet
Suite 2800
2200 Ross Avenue
Dallas, TX 75201

Date Mailed: 09/24/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

Beah T. Busina

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE